

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KENNETH L. HOLLAND,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 05-464-SLR
)	JURY TRIAL DEMANDED
STANLEY TAYLOR, et al.,)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR LEAVE TO DEPOSE PLAINTIFF

COME NOW the Defendants Stanley Taylor, Vincent Bianco, Adam J. Bramble, Michael Records, Bob George, Michael Costello, Barbara Costello, the Department of Correction, Stephen Devine and Helen Moore ("Defendants"), by and through undersigned counsel, and respectfully move this Honorable Court to enter an Order granting Defendants' counsel the right to depose Plaintiff Kenneth L. Holland ("Plaintiff"), an incarcerated individual:

1. Plaintiff is an inmate incarcerated at the Delaware Correctional Center in Smyrna, Delaware.¹
2. Counsel for the Defendants wishes to depose Plaintiff as part of discovery in this case.
3. The discovery deadline in this matter is August 25, 2006.
4. Fed. R. Civ. P. 30(a)(2) requires leave of the Court to depose an incarcerated individual.
5. A form of order is attached to this motion that grants Defendants' counsel the right to depose Plaintiff.

¹ According to the docket in this action, Plaintiff has not advised the Court of his current location.

WHEREFORE, Defendants respectfully request that this Honorable Court grant their Motion for Leave to Depose Plaintiff Kenneth L. Holland.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Eileen Kelly
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Attorney for Defendants

Dated: July 5, 2006

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KENNETH L. HOLLAND,)	
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7.1.1 CERTIFICATE OF COUNSEL

Undersigned counsel hereby certifies, pursuant to Local Rule 7.1.1, that:

1. Plaintiff Kenneth L. Holland is currently incarcerated and it is not practical for undersigned counsel to communicate with him concerning Defendants' Motion for Leave to Depose Plaintiff.
2. Therefore, undersigned counsel assumes that the Motion is opposed.

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

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 Defendants.)

ORDER

This _____ day of _____, 2006,

WHEREAS, Defendants having requested leave to depose Plaintiff Kenneth L. Holland pursuant to Fed. R. Civ. P. 30(a); and

WHEREAS, there being good cause shown for the granting of such motion;

IT IS HEREBY ORDERED, that Defendants' Motion for Leave to Depose shall be granted and Defendants shall have the right to depose Plaintiff Kenneth L. Holland.

Judge

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2006, I electronically filed *Defendants' Motion For Leave to Depose Plaintiff* with the Clerk of Court using CM/ECF. I hereby certify that on July 5, 2006, I have mailed by United States Postal Service, the document to the following non-registered party: Kenneth L. Holland.

/s/ Eileen Kelly
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